

United States Bankruptcy Court Western District of Texas - Austin		Voluntary Petition	
Name of Debtor (if individual, enter Last, First, Middle): DH Orchard Limited		Name of Joint Debtor (Spouse) (Last, First, Middle):	
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):		All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):	
Last four digits of Social Security or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all): 26-3201941		Last four digits of Social Security or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all):	
Street Address of Debtor (No. & Street, City, and State): 6836 Bee Caves Road, Suite 202 Austin, TX 78746		Street Address of Joint Debtor (No. & Street, City, and State):	
ZIP CODE 78746-0000		ZIP CODE	
County of Residence or of the Principal Place of Business: Travis		County of Residence or of the Principal Place of Business:	
Mailing Address of Debtor (if different from street address):		Mailing Address of Joint Debtor (if different from street address):	
ZIP CODE		ZIP CODE	
Location of Principal Assets of Business Debtor (if different from street address above): Bexar County			
Type of Debtor (Form of Organization) (Check one box.) <input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input type="checkbox"/> Corporation (includes LLC and LLP) <input checked="" type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)		Nature of Business (Check one box.) <input type="checkbox"/> Health Care Business <input checked="" type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input type="checkbox"/> Other Tax-Exempt Entity (Check box, if applicable.) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).	
Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding		Nature of Debts (Check one box) <input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input checked="" type="checkbox"/> Debts are primarily business debts.	
Filing Fee (Check one box.) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (Applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.		Chapter 11 Debtors Check one box: <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input checked="" type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000 <hr/> Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).	
Statistical/Administrative Information <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.			THIS SPACE IS FOR COURT USE ONLY
Estimated Number of Creditors <input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> OVER 100,000			
Estimated Assets <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input checked="" type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion			
Estimated Debts <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$10 million <input checked="" type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion			

Voluntary Petition <i>(This page must be completed and filed in every case)</i>		Name of Debtor(s): DH Orchard Limited	
All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet.)			
Location Where Filed: - None -	Case Number:	Date Filed:	
Location Where Filed:	Case Number:	Date Filed:	
Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet.)			
Name of Debtor: - None -	Case Number:	Date Filed:	
District:	Relationship:	Judge:	
Exhibit A (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.) <input type="checkbox"/> Exhibit A is attached and made a part of this petition.		Exhibit B (To be completed if debtor is an individual whose debts are primarily consumer debts.) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. § 342(b). X _____ Signature of Attorney for Debtor(s) Date	
Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? <input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> No			
Exhibit D (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) <input type="checkbox"/> Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: <input type="checkbox"/> Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.			
Information Regarding the Debtor - Venue (Check any applicable box) <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. <input type="checkbox"/> Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.			
Certification by a Debtor Who Resides as a Tenant of Residential Property <i>Check all applicable boxes.</i> <input type="checkbox"/> Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.) <div style="margin-left: 40px;"> _____ (Name of landlord that obtained judgment) </div> <div style="margin-left: 40px;"> _____ (Address of landlord) </div> <input type="checkbox"/> Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and <input type="checkbox"/> Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition. <input type="checkbox"/> Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).			

Voluntary Petition <i>(This page must be completed and filed in every case)</i>	Name of Debtor(s): DH Orchard Limited
Signatures	
<p style="text-align: center;">Signature(s) of Debtor(s) (Individual/Joint)</p> <p>I declare under penalty of perjury that the information provided in this petition is true and correct.</p> <p>[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.</p> <p>[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b).</p> <p>I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p>X _____ Signature of Debtor</p> <p>X _____ Signature of Joint Debtor</p> <p>_____ Telephone Number (If not represented by attorney)</p> <p>_____ Date</p>	<p style="text-align: center;">Signature of a Foreign Representative</p> <p>I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.</p> <p>(Check only one box.)</p> <p><input type="checkbox"/> I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. § 1515 are attached.</p> <p><input type="checkbox"/> Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.</p> <p>X _____ Signature of Foreign Representative</p> <p>_____ Printed Name of Foreign Representative</p> <p>_____ Date</p>
<p style="text-align: center;">Signature of Attorney*</p> <p>X <u>/s/ Lynn Hamilton Butler</u> Signature of Attorney for Debtor(s)</p> <p><u>Lynn Hamilton Butler 03527350</u> Printed Name of Attorney for Debtor(s)</p> <p><u>Brown McCarroll, L.L.P.</u> Firm Name</p> <p><u>111 Congress Avenue, Suite 1400</u> Address</p> <p><u>Austin, TX 78701</u> Address</p> <p><u>512/472-5456 Fax:512/479-1101</u> Telephone Number</p> <p><u>August 3, 2009</u> Date</p> <p><small>*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.</small></p>	<p style="text-align: center;">Signature of Non-Attorney Bankruptcy Petition Preparer</p> <p>I declare under penalty of perjury that: 1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; 2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, 3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official form 19 is attached.</p> <p>_____ Printed Name and title, if any, of Bankruptcy Petition Preparer</p> <p>_____ Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)</p> <p>_____ Address</p> <p>X _____</p> <p>_____ Date</p> <p>Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose social security number is provided above.</p> <p>Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual</p> <p>If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.</p> <p><small>A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. § 110; 18 U.S.C. § 156.</small></p>
<p style="text-align: center;">Signature of Debtor (Corporation/Partnership)</p> <p>I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.</p> <p>The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p>X <u>/s/ Michael Q. Hainline</u> Signature of Authorized Individual</p> <p><u>Michael Q. Hainline, Managing Member of</u> <u>Blackhawk Partners, LLC, Manager of Orchard</u> <u>Limited GP, LLC, General Partner of DH Orchard</u> <u>Limited</u> Printed Name of Authorized Individual</p> <p>_____ Title of Authorized Individual</p> <p><u>August 3, 2009</u> Date</p>	

**DH ORCHARD LIMITED,
a Texas limited partnership**

**WRITTEN CONSENT OF
GENERAL PARTNER**

July 31, 2009

The undersigned, Orchard Limited GP, LLC, a Texas limited liability company (the “**Company**”), is the General Partner of DH Orchard Limited, a Texas limited partnership (the “**Partnership**”).

The Company, in its capacity as General Partner of the Partnership, hereby consents to and approves the following resolutions and each and every action effected pursuant to such resolutions. Such resolutions are deemed to be adopted to the same extent and to have the same force and effect as if such recitals and resolutions were adopted by vote at a special meeting of the Company’s managers duly called and held for the purpose of acting upon proposals to adopt such resolutions.

Signatures by facsimile shall be treated as original signatures and effective for all purposes.

Filing Under Chapter 11 of the U.S. Bankruptcy Code

NOW, THEREFORE, BE IT RESOLVED, that the Partnership be, and it hereby is, authorized to file with the United States Bankruptcy Court (the “**Bankruptcy Court**”) a voluntary petition pursuant to Chapter 11, Title 11 of the United States Bankruptcy Code (the “**Bankruptcy Code**”);

FURTHER RESOLVED, that the officers of the Partnership be, and hereby are, authorized and empowered to perform any and all acts reasonable, advisable, expedient, convenient, proper, or necessary to effect the foregoing; and

FURTHER RESOLVED, that the officers of the Partnership be, and hereby are, authorized and empowered to execute and deliver and file or cause to be filed with the Bankruptcy Court, on behalf of the Partnership, a voluntary petition of the Partnership pursuant to Chapter 11 of the Bankruptcy Code and any and all other documents necessary or appropriate in connection therewith, each in such form or forms as he so acting may approve;

FURTHER RESOLVED, that the Partnership be, and it hereby is, as debtor and debtor in possession under Chapter 11 of the Bankruptcy Code, authorized to borrow funds and, to grant security interests in and liens upon all or substantially all of the Partnership’s assets;

FURTHER RESOLVED, that the officers of the Partnership be, and hereby are, authorized and empowered to execute and deliver for an on behalf of the Partnership, as debtor and debtor in possession, such promissory notes, loan agreements, security agreements, and any and all other such agreements, instruments, and documents as may be necessary or appropriate to facilitate the transactions contemplated by the foregoing resolution (the "**Financing Documents**") and that the Financing Documents contain such provisions, terms, conditions, covenants, warranties, and representations as may be deemed necessary or appropriate by the officers of the Partnership so acting are hereby approved;

FURTHER RESOLVED, that the Partnership retain the law firm of Brown McCarroll, L.L.P. to act as counsel in the representation of the Partnership as debtor and debtor-in-possession, and such officers, attorneys, financial advisors, consultants, expert witnesses, and accountants as the officers of the Partnership so acting shall deem necessary or appropriate.

FURTHER RESOLVED, that the officers of the Partnership are hereby authorized and empowered to close all existing bank accounts of the Partnership and to open debtor-in-possession bank accounts for the Partnership and to open debtor-in-possession bank accounts for the Partnership at any authorized depository in compliance with the guidelines of the Office of the U.S. Trustee, and to take or cause to be taken any and all further such action, to execute and deliver any and all such further instruments and documents and to pay all such fees and expenses, as he so acting shall deem appropriate to fully carry out the intent and accomplish the purpose of these resolutions.

FURTHER RESOLVED, that the Managers of the Company waived the formal requirements for the notice and convocation of a special meeting and consented to these actions being taken by resolution.

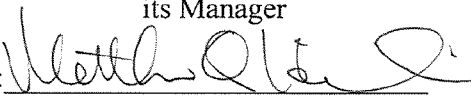
FURTHER RESOLVED, that any and all actions taken by or on behalf of the Company or the Partnership, or any officers of the Company or the Partnership, in connection with or in furtherance of the resolutions above, whether prior to or after the adoption of these resolutions, and that are within the authority conferred hereby, are hereby in all respects authorized, approved, adopted, ratified and confirmed.

* * * * *

Effective July 31, 2009:

ORCHARD LIMITED GP, LLC

By: BLACKHAWK PARTNERS, LLC,
its Manager

By: 
Matthew Q. Hainline
its Manager

**United States Bankruptcy Court
Western District of Texas - Austin**

In re **DH Orchard Limited**

Debtor(s)

Case No. _____

Chapter

11

VERIFICATION OF CREDITOR MATRIX

I, Michael Q. Hainline, Managing Member of Blackhawk Partners LLC, Manager of Orchard Limited GP, LLC, General Partner of DH Orchard Limited, the debtor in this case, hereby verifies that the attached list of creditors is true and correct to the best of my knowledge.

Date: **August 3, 2009**

/s/ Michael Q. Hainline

**Michael Q. Hainline, Managing Member of Blackhawk Partners
LLC, Manager of Orchard Limited GP, LLC, General Partner**
Signer/Title

creditor.scn

Adams & Polumsky
8000 IH 10 West, Suite 1145
San Antonio, TX 78230

Bexar County Tax Assessor
P.O. Box 839950
San Antonio, TX 78283

Blackhawk Development, LLC
6836 Bee Caves Road, Suite 202
Austin, TX 78746

Carrington Coleman Sigman & Blumenthal
Attn: Amanda Wright
5051 Westheimer, 11th Floor
Houston, TX 77056

Charlotte A. Novak
P.O. Box 1532
Veneta, OR 97487-1532

Cumberland 90, Ltd.
Attn: Carrington Coleman
100 Crescent Court, Suite 210
Dallas, TX 75201

Dale and Deborah Schneider
100 Kennedy Park Circle, Suite 204
Fergus Falls, MN 56538

Dia Lucrui Global, LP
Attn: Jason D'Amato
10205 Westheimer, Suite 500
Houston, TX 77042

Doss, Ltd.
Attn: Bill F. Knight
6300 Ridglea Place, Suite 1107
Fort Worth, TX 76116

Pape-Dawson Engineering
555 E. Ramsey
San Antonio, TX 78216

Sloman & Blumenthal, LLP

creditor.scn

Attn: Charles Jordan
901 Main Street, Suite 5500
Dallas, TX 75202